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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13
14 UNITED STATES OF AMERICA,) CASE NO. CR 14-00306 WHA
15 Plaintiff,)
16 v.) STIPULATION REGARDING NEW TRIAL DATE
17 LUKE D. BRUGNARA,) AND TO EXCLUDE TIME AND [PROPOSED]
18 Defendant.) ORDER
19

20 The United States, by its undersigned counsel, and defendant, by his undersigned counsel,
hereby stipulate to and memorialize the following findings:

21 On December 18, 2014, the parties appeared before this Court for a hearing. The government
22 was represented by Assistant United States Attorneys Doug Sprague and Ben Kingsley, and defendant
23 was present and represented by Erik Babcock. At this hearing, the Court continued the trial from
24 January 5, 2015, to January 12, 2015.

25 On December 22, 2014, the parties appeared before this Court for a hearing. The government
26 was represented by Assistant United States Attorneys Doug Sprague and Ben Kingsley, and defendant
27 was present and represented by Erik Babcock. At this hearing, the Court indicated that it intended to

1 continue the trial further, to March 2015, and proposed March 9, 2015 as a new trial date. Through his
2 attorney, one of the government's witnesses, Walter Maibaum, has since indicated to the government
3 that he is unavailable during the week of March 9, 2015 (and for a period of time thereafter). The
4 parties have thus conferred and agreed to a proposed new trial date of March 2, 2015.

5 Also at the hearings on December 18, 2014, and December 22, 2014, with the agreement of the
6 parties and based on the representation of defendant, the Court excluded time under the Speedy Trial
7 Act to the new trial date (if approved by the Court)—now March 2, 2015—for effective preparation of
8 defense counsel, taking into consideration the exercise of due diligence. *See* 18 U.S.C.
9 §§ 3161(h)(7)(A), 3161(h)(7)(B)(iv).

10 **IT IS SO STIPULATED.**

11 Dated: December 23, 2014

12 _____
13 /s/
14 W. DOUGLAS SPRAGUE
15 BENJAMIN KINGSLEY
16 Assistant United States Attorneys

17 Dated: December 23, 2014

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19 /s/
20 ERIK G. BABCOCK
21 Counsel for Defendant Luke Brugnara

22 Trial is continued to March 2, 2015. The time from December 22, 2014, until March 2, 2015, is
23 excluded under the Speedy Trial Act for effective preparation of defense counsel, taking into
24 consideration the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(iv).

25 **IT IS SO ORDERED.**

26 Dated: December 29, 2014.

27 _____
28 HON. WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE